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FREESCALE SEMICONDUCTOR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEDIATEK INC.,

Plaintiff,

v.

FREESCALE SEMICONDUCTOR, INC.,

Defendant.

Case No. 4:11-cv-05341 YGR (JSC)

**FREESCALE'S RESPONSE TO
MEDIATEK'S SUPPLEMENTAL
SUBMISSION IN RESPONSE TO THE
COURT'S QUESTION ON DKT.
NO. 303**

Hon. Yvonne Gonzalez Rogers

1 During the December 17, 2013, hearing on Freescale's Motion for Summary Judgment
2 (Dkt. No. 303), the Court asked MediaTek to submit information in response to a simple
3 question: where in the report of MediaTek's expert, Dr. Asanović, is his discussion of internal
4 buffers in connection with NIC-301 arbiters? This question was prompted by MediaTek's
5 representation, in its briefs and during the hearing, that it was relying on Dr. Asanović's
6 purported expert opinion on "internal buffers" as evidence of a genuine factual dispute that
7 precluded summary judgment of non-infringement of claims 1, 2, and 5 of the '845 patent. (See,
8 e.g., Dkt. No. 325-6 at 5, 6.)

9 In its December 19, 2013, response to the Court, however, MediaTek concedes that Dr.
10 Asanović's report contains no discussion of "internal buffers" in connection with NIC-301
11 arbiters. (See Dkt. No. 370.) MediaTek thus confirms that no genuine issues of material fact
12 exist as to the structure and operation of the i.MX6 product families. Accordingly, summary
13 judgment of non-infringement should be granted for claims 1, 2, and 5 of the '845 patent.

14 Forced to concede that no factual dispute exists, MediaTek instead attempts to raise a new
15 legal argument through its supplemental "response" in an attempt to stave off summary judgment.
16 MediaTek now asserts that Freescale's accused i.MX6 product families may infringe '845 patent
17 claims 1, 2, and 5 even though the FAST3 arbiter, which MediaTek contends can satisfy the "first
18 arbitration unit" limitation, does not arbitrate among the ARM and IPU, which MediaTek
19 contends can satisfy, respectively, the "first data processing subsystem" and "second data
20 processing subsystem" limitations. (See id.) MediaTek did not make this argument in its brief.
21 (See, generally, Dkt. No. 325-6 at 3-7.)

22 MediaTek's improper and untimely new legal argument should not be considered. And,
23 even if it is considered, it does not provide a basis for denying summary judgment.

24 The plain language of claim 1 requires a "first arbitration unit . . . configured and
25 arranged to arbitrate among at least the first data processing subsystem, the second data
26 processing subsystem, and the DMA subsystem for access to the first slave subsystem." (Dkt.
27 No. 303-9, '845 patent, Col. 9:65-10:4.) As set forth in Freescale's briefs, Freescale's i.MX6
28 processors do not infringe claims 1, 2, and 5 of the '845 patent as a matter of law because the

1 FAST3 (“first arbitration unit”) does not “arbitrate among” the ARM (“first data processing
2 subsystem”), IPU (“second data processing subsystem”), and SDMA (“DMA subsystem”), as
3 those claims require. The Court should therefore grant summary judgment of non-infringement
4 of claims 1, 2, and 5.

5
6 Dated: December 23, 2013

Respectfully Submitted,

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8 By: /s/ Alexander J. Hadjis

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ATTESTATION OF E-FILED SIGNATURE

I, Rudy Y. Kim, am the ECF User whose ID and password are being used to file
Freescale's Response to MediaTek's Supplemental Submission in Response to the Court's
Question on Dkt. No. 303. In compliance with General Order 45, X.B., I hereby attest that
Alexander J. Hadjis has concurred in this filing.

Dated: December 23, 2013

/s/ Rudy Y. Kim

Rudy Y. Kim